

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WaterLegacy,

Plaintiff,

v.

Case No. 17-cv-276 (JNE/LIB)
ORDER

USDA Forest Service; Tony Tooke, in his official capacity as Chief of the USDA Forest Service; Constance Cummins, in her official capacity as Forest Supervisor of the Superior National Forest; and Poly Met Mining, Inc.,

Defendants.

Minnesota Center for Environmental Advocacy, Center for Biological Diversity, and the W.J. McCabe Chapter of the Izaak Walton League of America,

Plaintiffs,

v.

Case No. 17-cv-905 (JNE/LIB)
ORDER

Tony Tooke, in his official capacity as Chief of the U.S. Forest Service; U.S. Forest Service; Sonny Perdue, in his official capacity as Secretary of Agriculture; Constance Cummins, in her official capacity as Supervisor of the Superior National Forest; and Poly Met Mining, Inc.,

Defendants.

Save Our Sky Blue Waters, Save Lake Superior Association, and Sierra Club,

Plaintiffs,

v.

Case No. 17-cv-909 (JNE/LIB)
ORDER

United States; United States Forest Service; Tony Tooke, Chief of the U.S. Forest Service, in his official capacity; PolyMet Mining Corporation; and Poly Met Mining, Inc.,

Defendants.

Center for Biological Diversity, Earthworks, and Save Our Sky Blue Waters,

Plaintiffs,

v.

Case No. 17-cv-914 (JNE/LIB)
ORDER

Ryan Zinke, in his official capacity as U.S. Secretary of the Interior; U.S. Fish and Wildlife Service; Tony Tooke, in his official capacity as Chief of the U.S. Forest Service; U.S. Forest Service; and Poly Met Mining, Inc.,

Defendants.

These actions relate to the NorthMet Land Exchange.¹ On November 28, 2017, the United States House of Representatives passed the Superior National Forest Land Exchange Act of 2017, H.R. 3115, 115th Congress. The United States Senate referred H.R. 3115 to the Committee on Agriculture, Nutrition, and Forestry. “It is the purpose of [the] Act to further the public interest by consummating the NorthMet Land Exchange as

¹ Tony Tooke is automatically substituted as a party. *See Fed. R. Civ. P. 25(d).*

specifically set forth in [the] Act.” H.R. 3115 § 2(a). The Court stays these actions pending Congress’s consideration of the Act. The pending motions to dismiss are denied without prejudice to their renewal.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Case No. 17-cv-276, Case No. 17-cv-905, Case No. 17-cv-909, and Case No. 17-cv-914 are STAYED.
2. Poly Met Mining, Inc.’s motions to dismiss [Docket No. 32 in Case No. 17-cv-276; Docket No. 16 in Case No. 17-cv-905; Docket No. 16 in Case No. 17-cv-909; Docket No. 23 in Case No. 17-cv-914] are DENIED WITHOUT PREJUDICE.

Dated: March 6, 2018

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge